

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the
Application

of

MOLOKAI PUBLIC UTILITIES,
INC.

For review and approval of
rate increases; revised rate
schedules; and revised rules.

Docket No. 2009-0048

8 PUBLIC UTILITIES
COMMISSION

2010 JAN 28 P 3:49

FILED

MOLOKAI PROPERTIES LIMITED'S RESPONSE TO
COUNTY OF MAUI'S INFORMATION REQUESTS TO MOLOKAI PROPERTIES, LTD.
FILED JANUARY 19, 2010

and

CERTIFICATE OF SERVICE

CHUN KERR DODD BEAMAN & WONG,
a Limited Liability Law
Partnership

ANDREW V. BEAMAN
745 Fort Street, 9th Floor
Honolulu, Hawaii 96813
Telephone: (808) 528-8200

Attorney for MOLOKAI
PROPERTIES LIMITED

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	Docket No. 2009-0048
Application)	
)	
of)	
)	
MOLOKAI PUBLIC UTILITIES,)	
INC.)	
)	
For review and approval of)	
rate increases; revised rate)	
schedules; and revised rules.)	
_____)	

**MOLOKAI PROPERTIES LIMITED'S RESPONSE TO
COUNTY OF MAUI'S INFORMATION REQUESTS TO MOLOKAI PROPERTIES, LTD.
FILED JANUARY 19, 2010**

Pursuant to the Order Approving Proposed Procedural Order, as Modified filed herein on November 6, 2009 (the "Procedural Order"), and Exhibit A thereto, MOLOKAI PROPERTIES LIMITED ("MPL"), through its undersigned attorneys, hereby responds to County of Maui's Information Requests to Molokai Properties, Ltd. filed herein on January 19, 2010.

MPL objects to the information requests to the extent that they are beyond the scope of and irrelevant to the issues identifies in the Procedural Order, they attempt to unreasonably broaden the issues of this proceeding, and they will unduly delay this proceeding.

DATED: Honolulu, Hawaii, January 28, 2010.

A handwritten signature in black ink, appearing to read 'A. V. Beaman', written over a horizontal line.

ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong,
a Limited Liability Law
Partnership

Attorneys for MOLOKAI
PROPERTIES LIMITED

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-100: Corporate documents, including articles of incorporation, by-laws, and any amendments to same.

Response: MOLOKAI PROPERTIES LIMITED ("MPL") objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Order Approving Proposed Procedural Order, as Modified filed herein on November 6, 2009 (the "Procedural Order"). In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-101: Minutes of all shareholder meetings from January 2000 to the present.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-102: Minutes of all board of directors meetings from
January 2000 to the present.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-103: Corporate records reflecting the issuance of stock certificates to any person or entity, the dates of issue, the consideration paid or promised for the stock, and the date(s) on which the consideration was paid or promised.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-104: Corporate records reflecting ownership of
Kaluakoi Land, LLC, Kaluakoi Water, LLC, and MPU.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-105: Financials, including MPL's audited financial statements. If none exist, then provide all unaudited financials for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-106: For each bank account maintained in the name of MPL, a copy of all monthly statements for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-107: State and federal tax returns for the period
January 2000 to the present.

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding. Moreover, even
if some of the requested information might be relevant, any
information prior to 2004 is irrelevant and would provide no
useful information regarding the approved issues of this
proceeding. Notwithstanding the foregoing and without waiving
any right or objection thereto, see also Molokai Public
Utilities, Inc.'s Responses to the Division of Consumer
Advocacy's Third Submission of Information Requests filed herein
on November 23, 2009, at CA-IR-14a.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-108: All documents evidencing loans or any transfers among or between MPL and any one or more of the following affiliated entities for the period January 2000 to the present:

- a. MPU
- b. Wai'ola O Moloka'i, Inc. ("WOM")
- c. Mosco, Inc. ("Mosco")
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

Response: There are no documents evidencing loans among or between MPU, WOM, Mosco and Kaluakoi Water, LLC and MPL.

Transactions between the affiliated companies are conducted through an inter-company account which reflects the net due from the affiliate or to the affiliate, as appropriate. Such amounts would also be reflected in the affiliated company's general ledger and on its financial statements.

In relation to the question of loans or transfers between MPL and Kaluakoi Land, LLC, MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

information request attempts to unreasonably broaden the issues
of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-109: All documents evidencing leases, purchases, sales, assignments, or transfers of land or other assets among or between MPL and any one or more of the following for the period January 2000 to the present:

- a. MPL
- b. WOM
- c. Mosco
- d. Kaluakoi Water, LLC
- e. Kaluakoi Land, LLC

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-110: All documents evidencing loans, notes payable, or loans guaranteed by MPL for the benefit of MPU for the period January 2000 to the present.

Response: MPL has not guaranteed any loans to MPU. See also Exhibit MPU 2, Schedule 6 of Molokai Public Utilities, Inc.'s Amended Application filed herein on June 29, 2009, in which MPU indicates that it has "no promissory notes, bonds, or other indebtedness. See also Molokai Public Utilities, Inc.'s Responses to West Molokai Association's Initial Information Requests of West Molokai Association filed herein on November 23, 2009, at WMA-IR-206.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-111: All documents reflecting the assets of MPL and the identity of all people or entities who exercise control over MPL's assets.

Response: MPL objects to this information request on the basis that it is vague and ambiguous and beyond the scope of and irrelevant to the issues set forth in the Procedural Order.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-112: All submissions concerning water and wastewater by MPL to any government authority, including the State of Hawaii, the Public Utilities Commission, and/or the County of Maui for the period January 2000 to the present.

Response: MPL objects to this information request on the basis that it is vague and ambiguous. For example, MPL is not in the water or wastewater business. MPL also objects on the basis that the information sought may be beyond the scope of and irrelevant to the issues set forth in the Procedural Order. Finally, MPL further objects to this information request on the basis that it is overbroad and unduly burdensome, given the period for which information is sought.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-113: All corporate organization charts and/or other documents reflecting employees of MPL and their responsibilities.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-114: All contracts, agreements, or other arrangements
by and between MPL and any one or more of the following
affiliated entities for the period January 2000 to the present:

- a. MPU
- b. WOM
- c. Mosco
- d. Kaluakoi Land, LLC
- e. Kaluakoi Water, LLC

Response: MPL objects to this information request on the basis
that it is beyond the scope of and irrelevant to the issues set
forth in the Procedural Order. In addition, the information
request attempts to unreasonably broaden the issues of this
proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-115: All documents evidencing payments made by MPL for utility services provided to MPL by MPU.

Response: MPL does not maintain its records in such a way that it can easily determine which properties or entities owned by or associated with MPL are utility customers of MPU, and therefore MPL cannot provide the information required without a detailed review of the company's payment records and then another review of the MPU billing records, which reviews would be unduly burdensome. However, to the best of the company's knowledge, it has paid or netted payment against advances for all utility services provided by MPU.

Sponsor: Daniel E. Orodenker

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-116: All documents evidencing charges for utility services provided to MPL by MPU that were not paid.

Response: MPL is not aware of any charge for utility service that has not been paid to MPU by MPL. See also response to County-IR-115 above.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-117: All documents demonstrating efforts since May 27, 2008 to obtain a Water Use Permit for Well 17 from the Commission on Water Resource Management.

Response: See Molokai Public Utilities, Inc.'s Responses to the Division of Consumer Advocacy's First Submission of Information Requests filed herein on November 23, 2009, at CA-IR-5, and Attachment CA-IR-5a submitted therewith.

Sponsor: Daniel E. Orodener

MOLOKAI PROPERTIES LIMITED'S RESPONSES TO
THE COUNTY OF MAUI'S INFORMATION REQUESTS
FILED JANUARY 19, 2010

DOCKET NO. 2009-0048

County-IR-118: All documents demonstrating efforts since April 9, 2008 to obtain an environmental assessment or environmental impact statement for the use of excess space in the Molokai Irrigation System transmission pipeline.

Response: MPL objects to this information request on the basis that it is beyond the scope of and irrelevant to the issues set forth in the Procedural Order. In addition, the information request attempts to unreasonably broaden the issues of this proceeding and will unduly delay this proceeding.

Sponsor: Daniel E. Orodenker

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the)	Docket No. 2009-0048
Application)	
)	
of)	
)	
MOLOKAI PUBLIC UTILITIES,)	
INC.)	
)	
For review and approval of)	
rate increases; revised rate)	
schedules; and revised rules.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was or
will be duly served on the following parties, by U.S. mail,
postage prepaid, to their last known addresses set forth below,
on this date:

MS. CATHERINE P. AWAKUNI (3 copies)
Executive Director
Department of Commerce and Consumer Affairs
Division of Consumer Advocacy
335 Merchant Street, Room 326
Honolulu, HI 96813

MICHAEL H. LAU., ESQ. (1 copy)
YVONNE Y. IZU ESQ.
SANDRA L. WILHIDE, ESQ.
Morihiro Lau & Fong LLP
841 Bishop Street, Suite 400
Honolulu, HI 96813

Attorneys for
MOLOKAI PUBLIC UTILITIES, INC.

MARGERY S. BRONSTER, ESQ.
JEANETTE H. CASTAGNETTI, ESQ.
Bronster Hoshibata
Pauahi Tower, Suite 2300
1033 Bishop Street
Honolulu, HI 96813

(1 copy)

Attorneys for
COUNTY OF MAUI

WILLIAM W. MILKS, ESQ.
Law Offices of William W. Milks
American Savings Bank Tower
1001 Bishop Street, Suite 977
Honolulu, HI 96813

(1 copy)

Attorney for
WEST MOLOKAI ASSOCIATION

DATED: Honolulu, Hawaii, January 28, 2010.



ANDREW V. BEAMAN

Chun Kerr Dodd Beaman & Wong,
a Limited Liability Law
Partnership

Attorney for MOLOKAI
PROPERTIES LIMITED